

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

BARBARA YATES  
Plaintiff,

v.

MENARD, INC.  
Defendant.

CASE NO. 1:20-cv-3039

**PETITION FOR REMOVAL OF ACTION**

Defendant, Menard, Inc. (“Menards”), by counsel, and for its Petition for Removal of Action, states as follows:

1. On October 27, 2020, Plaintiff filed her Complaint for Damages against Menards in the Johnson County Superior Court 1 of Indiana under Cause Number 41D01-2010-CT-000157.

2. In her Complaint, Plaintiff alleges that on August 15, 2020, she was an invitee on the Menards’ premises when she slipped and fell, causing her injuries and damages.

3. Plaintiff alleges that she sustained damages as a result of an incident at a Menards’ store.

4. Plaintiff is a citizen of the State of Indiana.

5. Defendant Menards is incorporated under the laws of the State of Wisconsin with its principal place of business in Eau Claire, Wisconsin.

6. Defendant contends that this cause is removable under 28 U.S.C. § 1332 and none of the impediments to removal under 28 U.S.C. § 1445 are present in this action.

7. Defendant certifies that to the best of its knowledge, information and belief, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, as Plaintiff's Complaint

has an open prayer for damages and alleges that Defendant breached its duty to Plaintiff causing Plaintiff to incur “permanent injuries” and “medical expenses and other special expenses, and will incur future medical expenses, lost wages and other special expenses.” Additionally, Plaintiff’s counsel was consulted and was unable to stipulate that the damages would not exceed \$75,000.00.

8. Defendant Menards was served with Plaintiff’s Complaint by certified mail on November 3, 2020.

9. This Petition for Removal is being filed with the Court within thirty (30) days after determining that the basis for diversity jurisdiction exists.

10. Copies of all pleadings filed in the state court action that are in the possession of Defendant Menard, Inc. are attached as “Exhibit A”.

11. Contemporaneously, a written notice is being provided to all adverse parties and to the Clerk of the Madison County Circuit Court that this Petition of Removal is being filed in this Court.

**WHEREFORE**, Defendant, Menard, Inc., prays that the entire state court action pending in the Johnson County Superior Court of Indiana, under Cause Number 41D01-2010-CT-000157, be removed to this Court for all further proceedings.

Dated: November 19, 2020

Respectfully Submitted,

KOPKA PINKUS DOLIN PC

By: /s/Jessica N. Hamilton  
Jessica N. Hamilton (Atty #34268-71)  
Leslie B. Pollie, (#Atty No. 25716-49)  
Attorneys for Defendant Menard, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on November 19, 2020, the foregoing has been filed through the Court's ECF system and notice has been electronically served on all counsel of record. Parties may access this filing through the Court's system.

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/s/Jessica N. Hamilton

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